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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,172	06/28/2003	Michael Allen Wilkman		7794
7590	06/29/2004		EXAMINER	
Michael Allen Wilkman P.O. Box 546 Alamo, CA 94507			TRUONG, THANH K	
		ART UNIT	PAPER NUMBER	3721

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/609,172	WILKMAN, MICHAEL ALLEN
	<b>Examiner</b> Thanh K Truong	<b>Art Unit</b> 3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 June 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Storandt (5,584,163).

Storandt discloses (figure 18) an apparatus comprising:

a base frame 815 having an input side and an output side, a transport path from the input side to the output side providing a feed means 802 for a continuous primary field of packaging material 803;

a drive means 822, 824 for advancing the continuous primary field of packaging material from the input side to the output side in precise increments;

a fusion station 810 to stabilize an individual or plurality of applicator 410 placed on the primary field of packaging in specific locations in succession along the transport path of the primary field of packaging;

a feed means 816 for a secondary field of packaging material 817 to be positioned on the applicators and in contact with the primary field of packaging;

a sealing station 818 to seal the primary and secondary packaging layers enclosing the applicators to prevent contamination or leakage;

a cutting station 820, 826 to trim the sealed packages 460 to a precise size, and the cutting station is incorporated prior to the output side of the packaging machine.

3. Claims 1, 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi et al. (5,740,661).

Yamaguchi discloses (figure 1) an apparatus comprising:

a base frame having an input side and an output side, a transport path from the input side to the output side providing a feed means 3 for a continuous primary field of packaging material 7;

a drive means for advancing the continuous primary field of packaging material from the input side to the output side in precise increments (column 4, lines 34-40);

a fusion station (a combination of drum unit 22 and belt unit 23) to stabilize an individual or plurality of applicator 30 placed on the primary field of packaging in specific locations in succession along the transport path of the primary field of packaging;

a feed means 4 for a secondary field of packaging material 8 to be positioned on the applicators and in contact with the primary field of packaging;

a sealing station 24 to seal the primary and secondary packaging layers enclosing the applicators to prevent contamination or leakage;

a cutting station 25 to trim the sealed packages 100 to a precise size, and the cutting station is incorporated prior to the output side of the packaging machine.

Yamaguchi further discloses a converting station is incorporated to convert bulk materials 6 by cutting into individual applicators 30 in precise sizes and placing the applicators 30 in precise locations onto the primary packaging layer 7 (figure 1).

4. Claims 1, 2, 4, 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Mason (4,372,098).

Mason discloses (figure 7) an apparatus comprising:

a base frame having an input side and an output side, a transport path from the input side to the output side providing a feed means 26 for a continuous primary field of packaging material 12;

a drive means for advancing the continuous primary field of packaging material from the input side to the output side in precise increments;

a fusion station to stabilize an individual or plurality of applicator 20 placed on the primary field of packaging in specific locations in succession along the transport path of the primary field of packaging;

a feed means 42 for a secondary field of packaging material 14 to be positioned on the applicators and in contact with the primary field of packaging;

a sealing station 44, 46 to seal the primary and secondary packaging layers enclosing the applicators to prevent contamination or leakage;

a cutting station 58 to trim the sealed packages 10 to a precise size, and the cutting station is incorporated prior to the output side of the packaging machine.

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Yamaguchi further discloses: a dosing station 40 is incorporated to dispense formularies in precise amounts on the applicators (column 4, lines 58-61); a forming station 28, 30 is incorporated to create a pocket 16 whereby precut applicator 20 may be precisely placed; and a converting station is incorporated to convert bulk materials 32 by cutting into individual applicators 20 in precise sizes and placing the applicators in precise locations onto the primary packaging layer 12 (figure 7).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Storandt (5,584,163) or Yamaguchi et al. (5,740,661) or Mason (4,372,098) in view of Teraoka (4,415,048).

As discussed above in paragraph 4 of this office action, Mason discloses the claimed invention but does not expressly disclose a means to feed a packaging layer to be applied to the primary packaging layer to provide handles, pockets, attachments or coupons.

Teraoka discloses (figure 5) an apparatus comprising a means 30 to feed a packaging layer 35 to be applied to the primary packing layer 104 to provide attachments (or coupon) 110 on the package 100'. Therefore, it would have been obvious to one having

ordinary skill in the art, at the time applicant's invention was made, to modify Mason apparatus by incorporating the means 30 as taught by Natterer to provide a means to apply an attachment or coupon to the primary packing layer.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Storandt (5,584,163) or Yamaguchi et al. (5,740,661) or Mason (4,372,098) in view of Natterer (4,753,059).

As discussed above in paragraph 4 of this office action, Mason discloses the claimed invention but does not expressly disclose a printing station to print onto the packaging layer specific information within the transport path of the packaging machine. Natterer discloses an apparatus comprises a printing station 10 (figure 1) that could print specific information onto the packaging layer 9 within the transport path of the packaging machine 1 for providing a package with a printing image on the cover. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to modify Mason apparatus by incorporating the printing station as taught by Natterer to provide a means to include a specific information or image on the cover of the packages.

### ***Conclusion***

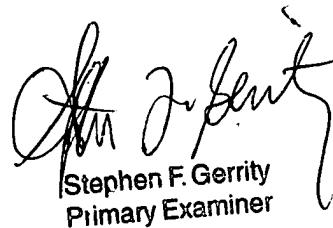
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K Truong whose telephone number is (703) 605-0423. The examiner can normally be reached on Mon-Thurs from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tkt  
June 24, 2004.



Stephen F. Gerrity  
Primary Examiner